

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOSHUA LOUIS PROFFITT,)
Petitioner,)
v.) Civil Action No. 3:19CV15-HEH
UNKNOWN,)
Respondent.)

MEMORANDUM OPINION
(Dismissing Civil Action Without Prejudice)

Petitioner, a Virginia prisoner proceeding *pro se*, submitted a letter. (ECF No. 1.)

Given the content of this document, the Court found it was appropriate to give Petitioner the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See Rivenbark v. Virginia*, 305 F. App'x 144, 145 (4th Cir. 2008).

By Memorandum Order entered on February 13, 2019, the Court directed Petitioner, within twenty (20) days of the date of entry thereof, to complete and return the standardized form for filing a § 2254 petition. The Court warned Petitioner that the failure to comply with the terms of the February 13, 2019 Memorandum Order would result in the dismissal of the action. *See Fed. R. Civ. P. 41(b)*.

More than twenty (20) days have elapsed and Petitioner has not completed and returned the § 2254 form or otherwise responded to the February 19, 2019 Memorandum Order. Accordingly, the action will be dismissed without prejudice. A certificate of appealability will be denied.

An appropriate Order shall accompany this Memorandum Opinion ;



/s/

Henry E. Hudson
Senior United States District Judge

Date: March 18 2019
Richmond, Virginia